

SENATE BILL 2317  
By Kyle

AN ACT to amend Tennessee Code Annotated,  
Title 49, Chapter 6, Part 1 relative to early  
childhood education and pre-kindergarten  
programs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 1, is amended by  
adding the following language as appropriately designated new sections:

Section ( )

( ) This act shall be known and may be cited as the "Voluntary Pre-K for  
Tennessee Act of 2005".

( ) It is the legislative intent that, based on the success of Tennessee's existing  
pilot pre-kindergarten programs, these programs be expanded on a voluntary  
basis by local education agencies and the communities they serve to provide  
more opportunities for quality early childhood education and pre-kindergarten  
experiences.

( ) Nothing in this act shall be construed to make enrollment in these programs  
mandatory, nor shall anything in this act be construed to be an entitlement to any  
service or program authorized by this Act.

( ) Implementation of these programs by local education agencies shall be  
voluntary.

Section ( )

( ) Each local education agency is authorized to and may provide for enrollment  
in pre-kindergarten programs for any child who is four (4) years of age on or

before September 30, residing in the geographic area served by the local education agency.

( ) Programs operated pursuant to this act shall comply with the rules promulgated and the policies adopted for early childhood education and pre-kindergarten programs by the state board of education

#### Section ( )

( ) Local education agencies may apply to the department of education for funding and approval of one or more pre-kindergarten programs, including those programs which may be in existence that have been funded entirely from local revenues. Local education agencies may contract and enter into collaborative agreements for operation of these programs with non-school system entities in the geographical area served by the local education agency including, but not limited to, non-profit and for-profit child care providers and Head Start programs. Local education agencies shall not contract or collaborate with any child care provider licensed by the department of human services unless that provider has attained the highest designation under the rated licensing system administered by the department of human services pursuant to Title 71, Chapter, 3, Part 5.

( ) As part of the application process, the local education agency shall include a statement of intent and long range plan for serving all four (4) year old in the local education agency.

( ) The commissioner of education shall establish the system for submitting applications and, subject to available funding, programs shall be approved on a competitive basis. )

#### Section ( )

( ) Each local education agency applying for programs under the provisions of this Act shall create and appoint a “community pre-k advisory council”. The director of schools or the director’s designee shall serve as chair and coordinate the activities of the council. The council shall include, but not be limited to, members representing the local school board, parents, teachers, non-profit providers, for-profit providers, Head Start, the business community, and local government funding bodies. The council shall provide input to the local board of education in creating the board’s application for programs, taking into consideration the number and type of existing programs currently serving children four (4) years of age within the geographical area served by the local education agency.

( ) While the content of the final application for programs shall be within the sole authority of the local school board, no board shall submit an application without first allowing the council to provide input, either in writing or otherwise, and without first giving due consideration to the council’s input and recommendations. The board’s application shall include a description of the extent to which the council was afforded an opportunity to provide input in the application process.

#### Section ( )

( ) Programs established under this Act shall be subject to annual appropriations.

( ) The commissioner of education shall annually recommend a funding amount per classroom for those classrooms established under this Act. The commissioner shall take into account the necessary components required to operate such classrooms and, to the extent such components are also reflected

in the Basic Education Program (BEP) funding formula, shall include the same costs per component in recommending the amount of funding per classroom.

( ) As a condition of receiving state funds for classrooms pursuant to this Act, the local education agency shall provide a matching amount of funds based on the applicable state and local Basic Education Program (BEP) classroom component ratio in effect for the local education agency in which the program is located.

Other sources of funds such as grants, federal funds, and private funds may be used by the local education agency to meet the matching funds requirement under this section. The local education agency may also meet the matching funds requirement under this section through “in-kind” matches including, but not limited to, the use non-LEA owned physical facilities, materials and supplies, and transportation services. Funds used by the local education agency to meet the matching requirements of this section, regardless of their source, shall not be used in calculating the maintenance of local funding effort requirement pursuant to § 49-3-314.

( ) No child shall be required to pay tuition or fees solely for the purpose of enrolling in or attending a pre-kindergarten program established under this Act. Nothing in this section prohibits charging fees for childcare which may be provided outside the times of the instructional day provided in these programs.

#### Section ( )

( ) There is hereby established within the department of education an Office of Early Learning. In addition to administering the application process, the office shall provide oversight, monitoring, technical assistance, coordination, and training for classroom providers. The office shall also serve as a clearinghouse for information and best practices related to pre-kindergarten programs. The

office shall also develop a process for long-term program evaluation and shall report annually to the Governor and the General Assembly on the status of pre-kindergarten programs.

( ) The office shall coordinate activities and promote collaboration with other departments of state government in developing support for programs and in developing and modifying licensing and monitoring regulations, policies and standards provided. The office shall work with the department of human services to establish a cooperative agreement for monitoring pre-kindergarten programs.

( ) In collaboration with the state board of education and subject to annual appropriations, the office is authorized to develop a grant program designed to encourage licensed teachers to pursue the required additional training to become certified to teach in classrooms established pursuant to this Act. This program may also provide financial assistance to encourage persons to become licensed teachers certified to teach in classrooms established pursuant to this Act. The state board of education is authorized to promulgate rules to effect the provisions of this section.

SECTION 2. Tennessee Code Annotated , Section 49-6-101(f)(1) is amended by adding the following language as a new subdivision (f)(6) and by redesignating current subdivision (f)(6) as subdivision (f)(7):

Effective with fiscal year 2005-2006, the local education agency may include in its application a request for funding for any existing pilot pre-kindergarten program established under § 49-6-101(f).

SECTION 3. Tennessee Code Annotated, Section 49-6-101(d) is amended by deleting the word “The” at the beginning of the first sentence in the subsection and by substituting instead the following:

Except as otherwise provided in this part, the

SECTION 4. This act shall take effect upon becoming law, the public welfare requiring it.